

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

TONY L. MCKNIGHT, )  
                        )  
Petitioner,         )  
vs.                   )                           NO. CIV-13-0527-HE  
                        )  
OKLAHOMA, STATE OF, *et al.*,     )  
                        )  
Respondents.       )

**ORDER**

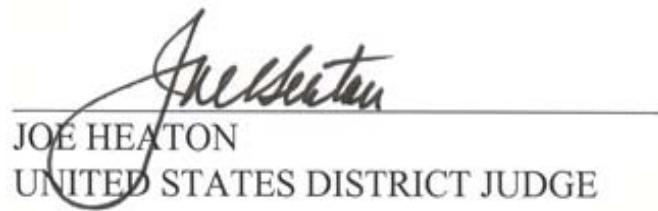
Petitioner, a state prisoner appearing *pro se*, filed a motion to proceed *in forma pauperis* (“*ifp*”). Consistent with 28 U.S.C. § 636(b)(1)(B), the matter was referred for initial proceedings to Magistrate Judge Shon T. Erwin. In a Report and Recommendation [Doc. #7], Judge Erwin recommended that petitioner’s motion be denied because petitioner has sufficient financial resources to pay the filing fee. Petitioner subsequently paid the full \$5.00 filing fee [Doc. #8]. Objections to the magistrate judge’s report and recommendation were due by July 10, 2013.

Petitioner, having failed to object to the report and recommendation, has waived his right to review of the factual and legal issues it addressed. United States v. 2121 E. 30th St., 73 F.3d 1057, 1059 (10th Cir. 1996); *see also* 28 U.S.C. § 636(b)(1)(C) (“A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*” (emphasis added)). In light of petitioner’s payment of the full filing fee, his motion to proceed *ifp* [Doc. #2] is

**STRICKEN as MOOT.**

**IT IS SO ORDERED.**

Dated this 15th day of July, 2013.



Joe Heaton  
UNITED STATES DISTRICT JUDGE